

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **ALBERT VARGAS MOLINA**
SSN xxx-xx-4555

CASE NO: **18-05788-ESL**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$127.00** Outstanding (Through the Plan): **\$2,873.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$12,578.40**

Liquidation Value: \$1,238.00 Estimated Priority Debt: \$2,631.48

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Oct 02, 2018 (Dkt 4)** **Plan Base: \$12,300.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: 36 %

The Trustee objects to confirmation for the following reasons:

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Above Median Income Debtor(s) Projected Disposable Income. [1325(b)(4)]

----Per preliminary PDI determined, Debtor's plan must be sufficiently funded to pay 100% of the allowed GU claims. The minimum base needed totals approximately \$20,300.00

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

-----Debtor has failed to submit evidence of being current with post petition DSO payments. Debtor must continue to submit evidence of being current with post petition DSO payments until plan confirmation May 2019. Debtor has 2 DSO accounts.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Unreasonable or unwarranted expenses.

----Debtor incorrectly claimed deductions for two vehicles in the Means Test in line no. 12 and no. 13 identified as Local Standards: transportation OWNERSHIP/lease expense. Debtor can only claim this deduction if he is indeed paying for a the vehicles.

***OTHER COMMENTS / OBJECTIONS**

NONE.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: May 03, 2019

/s/ Juliell Perez, Esq.

Last Docket Verified: 18 Last Claim Verified: 6 CMC: RC